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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/620,771
Filing Date: July 21, 2000
Appellant(s): MEREDITH ET AL.

Gregory L. Meredith et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/09/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-39, claims 40-50, and claims 51-52 stand or fall together.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,548,506	Srinivasan	08-1996

(10) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-15, 17-23, 25-36, 38-40, 42-43, 45-46, and 48-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasan (U.S. 5,548,506).

As per claim 1, Srinivasan teaches a method of processing an action within a schedule and having a latency attribute associated therewith, comprising:

initiating the action (See at least column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15; wherein a schedule with tasks is stored and action associated with a task is initiated);

comparing the latency attribute with a latency threshold (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein a time attribute of the task is compared with the a default threshold associated with the task to determine the status of the task and if reminders should be sent);

selectively storing data associated with a schedule in a storage medium based on the latency comparison (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63,

column 6, lines 4-17, column 7, lines 1-4 and 55-67, which disclose storing data associated with the schedule of the project, including updates, in the database based on the latency comparison).

As per claim 2, Srinivasan teaches a method further comprising creating an association between the stored data and a signal (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal to store the data).

As per claim 3, Srinivasan discloses a method further comprising suspending execution of the schedule based on the latency comparison (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein the latency comparison results in the determination of progress of the action of tasks, which would result in the pausing of the action of tasks and the associated schedule as new completion deadlines are set).

As per claim 4, Srinivasan teaches a method further comprising selectively de-allocating resources associated with the schedule after suspending execution of the schedule (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein resources are de-allocated from one task and put with another).

As per claim 5, Srinivasan discloses a method further comprising selectively resuming execution of the schedule based on the signal (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal and resumes execution of the schedule with the updated information).

As per claim 7, Srinivasan discloses a method further comprising adjusting the latency attribute (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column

6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency attribute is adjusted when the schedule is recomputed as the actions are completed).

As per claim 8, Srinivasan discloses a method wherein the adjusting is related to the actual latency for completion of the action (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, wherein the adjusting is related to information about the actual latency for completion of other actions in the schedule).

As per claim 9, Srinivasan discloses a method wherein the data comprises schedule state information (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, and column 7, lines 1-4 and 55-67, which disclose storing data associated with the state of the tasks the project).

As per claim 10, Srinivasan discloses a method further comprising adjusting the latency threshold based on a variable (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency threshold is adjusted when the schedule is recomputed as the actions are completed).

As per claim 11, Srinivasan discloses a method of executing a schedule, the schedule comprising a schedule state, at least one transaction having an action associated therewith, the action having a latency attribute associated therewith, the method comprising:

initiating the action according to the schedule (See column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15. a schedule with tasks is stored and action associated with a task is initiated);

comparing the latency attribute with a latency threshold (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and

55-61, wherein a time attribute of the task is compared with the a default threshold associated with the task to determine the status of the task and if reminders should be sent) ;

selectively storing the schedule state in a storage medium based on the latency comparison (See column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherien storing data associated with the schedule of the project and its state, including updates, in the database based on the latency comparison).

As per claim 12, Srinivasan teaches a method further comprising creating an association between the stored schedule state and a signal (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal to store the data).

As per claim 13, Srinivasan teaches a method further comprising suspending execution of the schedule based on the latency comparison (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5. The latency comparison results are used in the determination of progress of the action of tasks, resulting in the pause of the action of tasks and the associated schedule as new completion deadlines are set).

As per claim 14, Srinivasan teaches a method further comprising selectively de-allocating resources associated with the schedule after storing the schedule state in the storage medium (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5. Resources are de-allocated from one task and put with another).

As per claim 15, Srinivasan teaches a method further comprising selectively resuming execution of the schedule based on the signal (See at least column 3, lines 20-32, column 5, lines

19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal and resumes execution of the schedule with the updated information).

As per claim 17, Srinivasan teaches a method wherein the schedule includes a plurality of actions and at least one of the actions has an associated latency attribute (See at least column 2, lines 60-67, column 3, lines 5-32, column 5, lines 20-40 and 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-67, and column 8, lines 5-15, wherein the schedule has a plurality of tasks with actions and each has an associated latency attribute).

As per claim 18, Srinivasan teaches a method wherein the latency attribute represents an estimated latency for completion of the associated action (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein the latency attribute of the action of the task represents estimated time underlying the action that it should take to receive an update, at which point when no update is received a reminder is sent out).

As per claim 19, Srinivasan teaches a method further comprising adjusting at least one of the latency attributes according to a variable (See figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency attribute is adjusted when the schedule is recomputed as the actions are completed).

As per claim 20, Srinivasan teaches a method wherein the variable is related to an actual latency for completion of the associated action (See figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, wherein the variable is related to information about the actual latency for completion of other actions in the schedule).

As per claim 21, Srinivasan teaches a method wherein the latency attributes have a class associated therewith, and wherein the class indicates a group of actions (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein the latency attributes have a group associated with them based on the schedule file they are stored with, this group being composed of a set of actions (a plurality of tasks with actions)).

As per claim 22, Srinivasan teaches a method further comprising providing a plurality of latency thresholds, wherein each latency threshold has a class associated therewith, and selectively comparing a latency attribute with a latency threshold having the same class upon initiating the action associated with the latency attribute (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein latency thresholds are set associated with the group of actions and tasks of the schedule, wherein the latency attributes are compared to the default latency threshold windows of the schedule project file).

As per claim 23, Srinivasan teaches a method further comprising adjusting at least one of the latency thresholds based on a variable (See figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency threshold is adjusted when the schedule is recomputed as the actions are completed).

As per claim 25, Srinivasan teaches a method further comprising adjusting the latency threshold based on a variable (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency threshold is adjusted when the schedule is recomputed as the actions are completed).

As per claim 26, Srinivasan teaches a method further comprising selectively storing the schedule state in a database schema based on the latency comparison (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, which disclose storing data in a database associated with the schedule of the project and its state, including updates, in the database based on the latency comparison).

As per claim 27, Srinivasan teaches a method wherein the schedule state comprises a schedule location and active data (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein the schedule state comprises a location of the file of the schedule and active data of the status of the schedule).

As per claim 28, Srinivasan teaches a method wherein the action has a compensation parameter associated therewith, further comprising selectively compensating the action based on the compensation parameter, a transaction boundary within the schedule, and a state associated with another action within the schedule (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities (compensation parameters), the transaction boundary (i.e. total resources), and the status (completion, usage, etc.) of other actions).

As per claim 29, Srinivasan teaches a method further comprising selectively compensating a first action according to a transaction boundary within the schedule and a compensation parameter associated with the first action, based on abortion of a second action within the schedule (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based

on their priorities, the transaction boundary (i.e. total resources), and the status (completion or ending, usage, etc.) of other actions).

As per claim 30, Srinivasan teaches a method of executing a schedule, the schedule comprising a schedule state, at least one transaction with an action associated therewith, the method comprising:

initializing an action within the schedule (See column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15, wherein a schedule with tasks is stored and action associated with a task is initiated);

comparing a latency attribute associated with the action and a latency threshold (See column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61. A time attribute of the task is compared with the a default threshold associated with the task to determine the status of the task and if reminders should be sent);

executing the action if the latency attribute does not exceed the latency threshold (See at least figure 6, column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15, wherein the action is executed as normal if the attribute does not exceed the threshold);

dehydrating the schedule if the latency attribute exceeds the latency threshold (See at least figure 6, column 2, lines 60-67, column 3, lines 5-18 and 30-32, column 5, lines 19-40, 45-51, and 62-63, column 6, lines 3-17, column 7, lines 1-4, 15-21, and 55-67, wherein if the latency attribute is beyond the latency threshold, the schedule is dehydrated by sending a note to members working on the action and changing the schedule based on response).

As per claim 31, Srinivasan teaches a method wherein dehydrating the schedule further comprises storing the schedule state to a storage medium, creating a proxy between the stored schedule state and a message, suspending execution of the schedule pending the expected action, and restoring the schedule and resuming execution of the schedule based on receipt of the message (See at least figures 6-9, column 2, lines 60-67, column 3, lines 5-18 and 30-32, column 5, lines 19-40, 45-51, and 62-63, column 6, lines 3-17, column 7, lines 1-4, 15-21, and 55-67, and column 8, lines 10-15, wherein the schedule state is stored in a database, an alternative is created by sending a note to a team member by message that relates to the stored state, the schedules timing and order is on hold awaiting the return of the message, and the schedule is updated and action restored upon receipt of a return message).

As per claims 32-36, claims 32-36 are computer-readable medium versions of the method of claims 1-5, respectively. Since the disclosure of Srinivasan is embodied on a computer-readable medium, claims 32-36 are rejected using the same art and rationale as relied upon in the rejection of claims 1-5, respectively.

As per claims 38 and 39, claims 38 and 39 are computer-readable medium versions of the method of claims 28 and 29, respectively. Since the disclosure of Srinivasan is embodied on a computer-readable medium, claims 38 and 39 are rejected using the same art and rationale as relied upon in the rejection of claims 28 and 29, respectively.

As per claim 40, Srinivasan discloses a method of executing a transaction having an associated transaction boundary and an action, wherein the action has an action state and a compensation parameter associated therewith, the method comprising:

recognizing a transaction boundary associated with the transaction (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein a boundary is associated with the transaction, such as total resource usage); and

selectively compensating at least a first action according to the transaction boundary and the compensation parameter based on abortion of a second action (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), and the status (completion or ending, usage, etc.) of other actions).

As per claim 42, Srinivasan teaches a method further comprising selectively compensating at least a first action according to the transaction boundary and the compensation parameter upon abortion of a second action, and further according to the action state associated with the first action (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), the status (completion, usage, etc.) of other actions, and according to the status of the action).

As per claim 43, Srinivasan discloses a method further comprising selectively compensating at least a first action according to the transaction boundary and the compensation parameter upon abortion of a second action, if the first action has committed (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the first action is compensated based on the transaction boundaries,

the compensation parameters, and the ending of the second action when the first action has previously been assigned resources).

As per claim 45, Srinivasan teaches a method wherein the compensation step further comprises sending a message (See at least figures 8, 9, and 10, column 6, lines 3-18 and 24-35, column 7, lines 55-67, column 8, lines 1-15, wherein messages are sent).

As per claim 46, Srinivasan discloses a computer-readable medium having computer-executable instructions for:

executing a schedule, the schedule comprising a schedule state, at least one action, and at least one transaction with an associated transaction boundary, the action including an action state and a compensation parameter associated therewith (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein a schedule is executed, the schedule representing a transaction with transaction boundaries, such as total resource usage. The schedule has a schedule state, such as its overall status, and the action has a state, such as its resource usage or its status. The actions are balanced by time and resource based on compensation parameters);

recognizing the transaction boundary within the schedule (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein a boundary is associated with the transaction, such as total resource usage); and

selectively compensating at least a first action within the schedule according to a transaction boundary within the schedule, and a compensation parameter associated with the first action based on abortion of a second action (See at least column 3, lines 10-32, column 5, lines

23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), and the status (completion or ending, usage, etc.) of other actions).

As per claims 48-49, claims 48-49 are computer-readable medium versions of the method of claims 42-43, respectively. Since the disclosure of Srinivasan is embodied on a computer-readle medium, claims 48-49 are rejected using the same art and rationale as relied upon in the rejection of claims 42-43, respectively.

As per claim 50, Srinivasan discloses a computer-readable medium wherein the at least one action includes a latency attribute, and having further computer-executable instructions for selectively storing the schedule state to a storage medium based on a comparison of the latency attribute with a latency threshold (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, which disclose storing data associated with the schedule of the project, including updates, in the database based on the a comparison of a latency attribute and a latency threshold).

As per claim 51, Srinivasan teaches a schedule having a schedule state, an action with an associated action state, and at least one transaction with a transaction boundary, a compensation parameter, a compensation routine, and a transaction state associated therewith, a method of selectively compensating the transaction during the execution of a schedule comprising:

determining the action state of an action (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein the state of an action is determined and updated);

if the action state is aborted, determining the relationship of the action and the transaction based on a transaction boundary (See at least figure 9, column 3, lines 10-32, column 5, lines 19-39, 45-50, and 55-67, column 6, lines 1-17, column 7, lines 1-4 and 55-67, and column 8, lines 1-5, wherein when the action has ended, the relationship of the action to the overall transaction is determined based on resource usage boundaries);

if the action state is aborted, and if the action and transaction are related according to the transaction boundary, determining the transaction state of the transaction (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein if the action and transaction are related and the action has ended, the resource usage for the overall transaction is determined); and

if the action state is aborted and if the action and the transaction are related according to the transaction boundary, and if the transaction state is committed, performing an operation according to the compensation routine associated with the transaction (See figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), and the status (completion, usage, etc.) of other actions).

As per claim 52, Srinivasan teaches a schedule having a schedule state, first and second transactions with associated transaction boundaries, transactions stated, compensation parameters, and compensation routines, and first and second actions with associated action states, compensation parameters, and compensation routines, a method of selectively compensating a first action or transaction during the execution of a schedule comprising:

determining the state of one of the second action and the second transaction (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein the state of a second action is determined);

if the state of one of the second action and the second transaction is aborted, determining the relationship of the first action and the transaction with the second action and transaction based on a transaction boundary (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the second action is completed, or ended, and the priority relationship between said second action and the overall transaction and the first action and the overall transaction are determined based on the overall transaction boundary (i.e. overall limits on resources));

if the state of one of the second action and the second transaction is aborted, and one of the first action and transaction are related to one of the second action and transaction according to the transaction boundary, determining the state of one of the first action and transaction; and

if the state of one of the second action and the second transaction is aborted and if one of the first action and transaction are related to one of the second action and the transaction according to the transaction boundary, and if the state of one of the first action and transaction is committed, performing an operation according to the compensation routine associated with one of the first action and transaction (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced (when resources have previously been committed to the first action) based on their priorities, the transaction boundary (i.e. total resources), and the status (completion, resource usage, etc.) of other actions).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 16, 24, 37, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (U.S. 5,548,506).

As per claims 6 and 16, Srinivasan discloses a method further comprising selectively allocating resources for execution of the schedule based on the signal, and selectively resuming execution of the schedule based on the signal (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein the latency comparison results in the determination of progress of the action of tasks, which would result in the pausing of the action of tasks and the associated schedule as new completion deadlines are set. An update is an associated signal and resumes execution of the schedule with the updated information). However, Srinivasan does not expressly disclose that these resources are computer system resources.

Srinivasan teaches an automated tool for project management of project schedules with tasks that involve resource usage. Srinivasan also discloses the heavy computing needs of the corporations in at least column 1, lines 40-57. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include computer system resources in the resources utilized by Srinivasan in order to more efficiently plan for the projects of corporations

by including all the limited resources that would be needed to complete the project, such as computer system usage.

As per claim 24, Srinivasan teaches a method wherein the variable is related to resource utilization (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the variable is related to the actual resources used). However, Srinivasan does not expressly disclose that the resource utilization is system resource utilization.

Srinivasan teaches an automated tool for project management of project schedules with tasks that involve resource usage. Srinivasan also discloses the heavy computing needs of the corporations in at least column 1, lines 40-57. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include system resource utilization in the resources utilized by Srinivasan in order to more efficiently plan for the projects of corporations by including all the limited resources that would be needed to complete the project, such as system usage.

As per claim 37, claim 37 is a computer-readable medium version of the method of claim 5. Since the disclosure of Srinivasan is embodied on a computer-readable medium, claim 37 is rejected using the same art and rationale as relied upon in the rejection of claim 6.

As per claim 44, Srinivasan teaches a method wherein the compensation step further comprises adjusting at least one object (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein at least one object (created action of the group of actions) is adjusted based on

compensating using the priorities). However, Srinivasan does not expressly disclose instantiating this instance of the schedule group.

Srinivasan discloses a build file where in the beginning of the project each action of the group is created and stored and later these actions are adjusted by compensating resources that leftover or short. It would have been obvious to one of ordinary skill in the art at the time of the invention to be able to create supplemental actions during the execution of the schedule in order to supplement the originally created schedule in order to more efficiently meet the goals of the project by affording a project manager a way to make up for a fault in an original schedule.

(11) Response to Argument

In the Appeal Brief, Appellant provides three main arguments:

1) Srinivasan does not teach or suggest initiating a schedule and comparing a latency attribute of an action of the schedule with a latency threshold, wherein data associated with the schedule is selectively stored based on the comparison, as in claims 1-39;

2) Srinivasan does not teach or suggest selectively compensating a first action within a schedule based on the transaction boundary and a compensating parameter related to abortion of a second action, as in claims 40-50;

3) Srinivasan does not teach or suggest compensating an operation when a state of the action and a state of a transaction are related and have been aborted, as in claims 51-52.

In response to argument 1), Examiner respectfully disagrees. The claims recite initiating or initializing an action within a schedule, not initiating a schedule itself. These claims further recite that a latency attribute is compared with a latency threshold and that data associated with

the schedule is selectively stored based on this comparison. Examiner agrees with the appellant's definition of latency, which is defined on page 4 as "present and capable of becoming though not now...active". Merriam-Webster Online Dictionary also defines threshold as "a level, point, or value above which something is true of will take place and below which it is not or will not" (See http://www.merriam-webster.com). Therefore, in the broadest reasonable interpretation, the latency attribute and latency threshold are associated with something that is not currently active, but will be in the future once the attribute reaches the point above which it will take place.

Srinivasan teaches an action within a schedule that is associated with each task, the action being that of sending a reminder. Srinivasan teaches that each task has a start and finish time, and that the latency attribute of the action is a time-oriented element representing status of each task (i.e. at this time the task is pending, completed, etc.). With each task, the attribute is compared against a time-oriented latency threshold (i.e. a reminder window) to determine if it is time at which to send out a reminder to the team member responsible for the task. See figure 6. These attributes and thresholds satisfy the term "latency" because they are associated with an action of a schedule task, the action present and capable of occurring, though not now active. The action becomes active at a point, or time value, above which the action will take place. See column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61. Once the action occurs (i.e. the reminder is sent) based on the comparison, the task leader provides updates about the schedule to the system, such as changes in duration, thereby updating the project database. See column 7, lines 55-61.

Contrary to Appellant's assertion on page 5, Srinivasan does teach and suggest start and finish times, as shown in figure 3 and column 3, lines 5-18. Figure 3 expressly discloses start and finish dates, which are times, as well as time lags, associated with the attributes day, week, and month. Time, as defined by the Merriam-Webster Online Dictionary is the point or period when something occurs: occasion. Therefore, just as a time of year is the springtime, a start time does not have to be a specific hour, but could be a date. Furthermore, the terms start time and finish time are not recited in claims and were merely used by the Examiner to express how Srinivasan taught the claimed latency attributes and latency thresholds.

In response to argument 2), Examiner respectfully disagrees. The term transaction, as defined by the Merriam-Webster Online Dictionary, is an activity involving two things that reciprocally affect or influence each other. In Srinivasan, the actions are balanced based on their priorities, the total resources of the system, and the status (completion or ending, usage, etc.) of other actions. Two tasks of the schedule of Srinivasan are dependent on each other, and affect each others' time and resource elements. Therefore, the stop time of one task will be the start time of another, and thus when one task runs over its deadline, it causes the second task to start late. Therefore, task one's end time and task two's start time is a transaction boundary. As discussed above, each task has associated with it the action of a reminder. The reminder is time-oriented is to the status of the task, and thus has an action state (active or latent) as well as a compensation parameter (a time-oriented parameter to counterbalance the variations in the schedule as the schedule is rebuilt). Therefore, when a task stops prematurely, the action (reminder) associated with the task also stops prematurely. The schedule is rebuilt to compensate for this premature ending, and the other task is adjusted. Therefore, the action

(reminder) associated with this task is adjusted to counterbalance the variation of the start time. See at least figures 4-6 and column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5.

In response to argument 3), Examiner respectfully disagrees. Examiner first points out that claim 52 recites "performing an operation according to the compensation routine associated with one of the first action and transaction". Therefore, as the claims state, the operation is performed to compensate an action or transaction, and is not actually compensated itself. Furthermore, claim 51 does not even recite the term operation. Based on this inconsistency in terms, it is unclear as to what specifically the Appellant is arguing with respect to claims 51 and 52. Regardless, Srinivasan does disclose the limitations of claims 51 and 52. As discussed above in the response to argument 2 and in the rejections, actions and tasks are balanced based on their priorities and the status (completion or ending, usage, etc.) of other tasks and actions. Two tasks of the schedule of Srinivasan are dependent on each other, and affect each others' time and resource elements. Therefore, the stop time of one task will be the start time of another, and thus when one task runs over its deadline, it causes the second task to start late. When a task stops prematurely, the action (reminder) associated with the task also stops prematurely. The operation of rebuilding the schedule is performed to compensate for this premature ending with other tasks and actions being adjusted. See figures 4-6 and column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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bvd
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